



# Guidance Document

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## How to complete the Environmental Permits, Issues, and Commitments (EPIC) Sheet

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### Introduction

This document provides guidance for completing the Environmental Permits, Issues, & Commitments (EPICs) sheet. The EPIC Sheet is a summary of resolved and unresolved environmental issues and commitments the Contractor must be informed of **and adhere to during the construction phase of the project**. It must be included in all PS&E packages as part of a bid proposal.

The purpose of the EPIC Sheet is to provide clear, specific, direct, and actionable communication to the Contractors so that they can comply with the environmental requirements of the project. The EPIC sheet is not used to communicate unresolved items to TxDOT personnel, such as the need for the District to acquire a permit or conduct a survey before letting. The EPIC Sheet should also include environmental issues that may arise during construction due to field changes. For example, it may state that if archeological resources are encountered during construction work must cease and the Contractor must inform appropriate Department personnel.

The EPIC Sheet may also include commitments made to the public, other entities, and regulators. These commitments may include, among others, the construction of sound barriers or the preservation of historic bridge plaques. All stipulated conditions of any permit must be met to prevent unnecessary project delays. All special environmental requirements shall be clearly outlined on the EPIC Sheet.

### Responsibility and Authority

The EPIC sheet process shall be followed by District, Division, and other personnel involved in documenting EPICs in the project plan set. Ultimately, the Project Design Engineer who is overseeing the creation of the bid package is responsible for ensuring that all relevant environmental permits, issues, and commitments are correctly communicated to the construction contractor through the PS&E package. The Engineer needs to work closely with Environmental staff throughout the project development process to ensure that all required EPICs are captured in the PS&E appropriately.

### What is an EPIC?

EPICs are environmental components of a project such as permits, items of concern, commitments, or other environmental items that need to be addressed during the project process. EPICs might be associated with a regulatory agency requiring measures to be implemented as part of a permit. These might also be associated with agreements made during the project development phase, such as agreeing to install noise abatement walls next to a neighborhood.

## How to Complete the EPIC Sheet

The following sections describe how each section of the EPIC sheet **must** be completed.

### **Writing in plain and specific language:**

The purpose of the EPIC Sheet is not to provide directions for TxDOT personnel and is intended to provide specific directions to the Contractor pertaining to specific commitments that were made during the environmental review process. Therefore, the language used in the individual EPICs provided on the sheet must be clear, specific, direct, and actionable for the Contractor. EPICs that are not clear, specific, direct, and actionable are difficult to monitor and enforce during construction – **do not expect poorly written EPICs to be followed.**

<b>Example</b>	<b>Improved Example</b>
It is advised that the Contractor monitor their depth of excavation for potential impacts to archeological resources.	If the Contractor must exceed 12 feet of excavation at any location, the Contractor must stop work in the location where excavation will exceed 12 feet and coordinate with the Engineer to avoid potential impacts to cultural resources. Work can begin again only when the Engineer has authorized it.
Be advised of the potential occurrence of Texas tortoise in the project area. Utility trenches should be covered overnight to prevent tortoise from being trapped. Utility trenches should also be visually inspected before filling to avoid burial of this species. Avoid harming this species if encountered.	Texas tortoise could be present in the project area. Utility trenches must be covered overnight to prevent tortoises from being trapped. Utility trenches must be inspected before filling to avoid burying any tortoises. If a trapped tortoise is encountered stop work and contact District Environmental Staff so the tortoise can be removed and relocated by personnel with proper credentials. Do not harm any tortoises if encountered.
Minimize impacts to wetlands and riverine habitat.	The Contractor must not work in “wetland no work areas” as outlined in the SWP3 layout sheets. The Contractor is not permitted to store materials or equipment in those areas. An orange barrier fence and BMPs must be installed to minimize impacts.
A site survey prior to construction will be necessary to ensure that the sticky tansy aster plant species is not present in the work area.	The Contractor cannot begin work between Sta 123+45 and 123+85 until the Department has completed the survey for the sticky tansy aster plant species. If the species is found the Department must conduct mitigation efforts. Once the survey (and mitigation, if necessary) is complete the Department must release the area to the Contractor before work can begin.

Note, while the EPIC sheet template shows all the language to be on one sheet, it is okay to modify it overrun to two sheets if additional space is needed. The caveat is that the structure and section numbers of the EPIC sheet remain unchanged.

### **Section I. Stormwater Pollution Prevention Plan – Clean Water Act Section 402:**

This section of the EPIC Sheet addresses SWP3 requirements for the project. The SWP3 Summary Sheet prepared for the project must provide the detailed information needed to meet documentation requirements. These requirements are outlined in the [SWP3 Guidance Document and Template](#).

#### **How to complete:**

The Designer must put an “X” in the box of the appropriate statement from the EPIC sheet.

**Option 1:** *It is not anticipated that any erosion, sedimentation, or environmental control devices will be needed on this project. The Contractor must implement appropriate practices to prevent pollution from construction activities from reaching waters of the state. If it becomes necessary to implement control devices, payment for that work must be in accordance with Item 506 Article 4.4, "Change in the Work".*

**Option 2:** *The project will disturb less than 1 acre of soil and has EPICs that require the implementation of erosion, sedimentation, or environmental control devices. The SWP3 summary sheet and associated plan information has been developed and included in the plans. Additional documentation must be maintained during construction in accordance with Department policy.*

**Option 3:** *The project will disturb 1 acre or more of soil therefore requires the implementation of erosion, sedimentation, or environmental control devices. The SWP3 summary sheet and associated plan information has been developed and included in the plans. Additional documentation must be maintained during construction in accordance with Department policy and Texas Commission on Environmental Quality Construction General Permit (TXR150000) requirements.*

#### **I. STORMWATER POLLUTION PREVENTION-CLEAN WATER ACT SECTION 402**

1.  It is not anticipated that any erosion, sedimentation, or environmental control devices will be needed on this project. The Contractor must still implement appropriate practices to prevent pollution from construction activities from reaching waters of the state. If it becomes necessary to implement control devices, payment for that work must be in accordance with Item 506 Article 4.4, "Change in the Work".
2.  The project will disturb less than 1 acre of soil and has EPICs that require the implementation of erosion, sedimentation, or environmental control devices. The SWP3 summary sheet and associated plan information has been developed and included in the plans. Additional documentation must be maintained during construction in accordance with Department policy.
3.  The project will disturb 1 acres or more of soil therefore requires the implementation of erosion, sedimentation, or environmental control devices. The SWP3 summary sheet and associated plan information has been developed and included in the plans. Additional documentation must be maintained during construction in accordance with Department policy and Texas Commission on Environmental Quality Construction General Permit (TXR150000) requirements.

**Section II. Work in or Near Streams, Waterbodies, and Wetlands – Clean Water Act Sections 401 and 404:**

This section of the EPIC Sheet addresses USACE permits. Full completion of this section of the EPIC Sheet is required when a nationwide permit is used, if an individual standard permit is obtained, or if any other 404 authorization is applicable (e.g. Letter of Permission). Review the SWP3 summary sheet and layout sheets to ensure proper stormwater pollution control practices are designed to meet USACE permit requirements. Ensure vegetative buffer zones listed on the SWP3 summary sheet are consistent with USACE allowable work areas and no impact areas.

**How to complete:**

- If no USACE permit is required, put an “X” in the box for “No permit required”.
- If a USACE permit is required, put an “X” in the box for the appropriate permit type for the project. For “Other Nationwide Permit” list the name of that permit. List the name of each impacted water, the station location, allowable disturbed acreage, and any additional notes, such as the acreage of permitted impact or special requirements related to the water body (Ex. “do not cross the red fenced area”, “avoid Wetland B”).

Example:

"1. Onion Creek, STA 123+45 to 123+46, 0.04 acres, install orange fencing to protect from encroachment during construction"

**II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404**

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1.  No Permit Required

2.  USACE Permit required for filling, dredging, excavating or other work in any water bodies, rivers, creeks, streams, wetlands or wet areas. The Contractor must adhere to all of the terms and conditions associated with the following permit(s):

- Nationwide Permit 14 - PCN not Required (less than 1/10th acre waters or wetlands affected)
- Nationwide Permit 14 - PCN Required (1/10 to <1/2 acre, 1/3 in tidal waters)
- Other Nationwide Permit Required: NWP\* \_\_\_\_\_
- Individual Standard Permit Required

The SWP3 describes the BMPs planned to control erosion, sedimentation and post-project TSS.

The following lists the impacted water, its stationing, planned disturbed acreage, and additional notes:

- 1.
- 2.

### **Section III. Cultural Resources:**

This section of the EPIC Sheet addresses standard commitments and any special circumstances associated with cultural resources, such as archeological or historic sites. For example, this section would document the requirements for relocating historic markers, special instructions for work in historic districts.

#### **How to complete:**

Put an "X" in the "Additional Required Action" box if additional required actions apply to the Contractor aside from the standard specifications. List those additional requirements and include any directive to the Contractor on how to comply with those additional requirements.

#### **Example:**

"The historical marker located at the intersection at SH 123 and US 456 will be removed. The Contractor must store the historic marker at the Area Office until construction in that area has been completed. The Contractor must reinstall the historic marker at the direction of the Engineer."

"Archeological surveys for parcels ID-1\*, ID-2, and ID-3 are pending and must be completed in Phase 1 of the project. The Contractor cannot commence work in these locations, as shown in the plans, until the Department conducts the applicable surveys, and the Engineer directs that work may begin."

\*If listing parcel IDs, ensure consistency throughout the plan by referencing the TxDOTCONNECT parcel number or other pre-determined parcel numbering system.

### **III. CULTURAL RESOURCES**

Refer to TxDOT Standard Specifications in the event historical issues or archeological artifacts are found during construction. Upon discovery of archeological artifacts (bones, burnt rock, flint, pottery, etc.) cease work in the immediate area and contact the Engineer immediately.

Additional Required Actions:

- 1.
- 2.
- 3.
- 4.

### **Section IV. Vegetation Resources:**

This section of the EPIC Sheet addresses standard commitments and any special circumstances associated with vegetation, such as large trees to be avoided, or mitigation that must occur as part of the project.

#### **How to complete:**

Put an "X" in the "Additional Required Action" box if additional required actions apply to the Contractor aside from the standard specifications. List those additional requirements and include any directive to the Contractor on how to comply with those additional requirements.

#### **Example:**

"During construction, Iconic trees – Becket Grove Tree, Grandmother Oak, and Grandfather Oak must be protected. Tree protection fencing must be installed around these trees in accordance with the detail sheet included in the plans."

#### **IV. VEGETATION RESOURCES**

The Contractor must preserve native vegetation to the extent practical. Follow vegetative buffers defined in the SWP3 for work adjacent to water bodies. Contractor must adhere to Construction Specification Requirements Specs 162, 164, 192, 193, 506, 730, 751, 752 in order to comply with requirements for invasive species, beneficial landscaping, and tree/brush removal commitments.

Additional Required Actions:

- 1.
- 2.
- 3.

### **Section V. Protected Species and Migratory Birds:**

This section of the EPIC Sheet addresses required actions to remain in compliance with federal and state regulations including the Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, the TxDOT/TPWD Memorandum of Understanding, and Chapter 64 of the Texas Parks and Wildlife Code. This section may include information on any habitat that may need to be avoided or otherwise protected, lists any federal and state listed threatened or endangered species that may occur in within the project area, and lists any requirements, conservation measures, and other precautions such as nesting seasons for migratory birds.

#### **How to complete:**

Put an "X" in the "Additional Required Action" box if additional required actions apply to the Contractor, aside from the standard specifications and notes. List those additional requirements and include any directive to the Contractor on how to comply with those additional requirements.

#### **Example:**

"The Contractor cannot begin work between Sta 123+45 and 123+85 until the Department has completed the survey for the sticky tansy aster plant species. If the species is found the Department must conduct mitigation efforts. Once the survey (and mitigation, if necessary) is complete the Department must release the area to the Contractor to begin work."

#### **V. PROTECTED SPECIES AND MIGRATORY BIRDS**

The work must not remove active nests from bridges and other structures during nesting season of the birds associated with the nests. If caves or sinkholes are discovered, cease work in the immediate area, and contact the Engineer immediately. Do not disturb or handle bats found under bridges and other structures. Do not harm or kill wildlife that enters the project area, including rattlesnakes. Implement measures to avoid infesting water bodies with zebra mussels, including inspecting equipment prior to placing in water and clean, drain, dry practices.

If any listed species are observed, cease work in the immediate area, do not disturb the species or habitat, and contact the Engineer immediately.

Additional Required Actions:

- 1.
- 2.

### **Section VI. Hazardous Materials and Contamination:**

This section of the EPIC Sheet addresses any previously identified high risk sites associated with hazardous materials that may be encountered during construction.

#### **How to complete:**

The beginning four paragraphs in this section are standard language. Do not modify this language. Move on to the next questions in this section.

#### **VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES**

For all projects the Contractor will comply with the OSHA Hazard Communication Standard (29 CFR 1910.1200) for personnel who will be working with hazardous materials by conducting safety meetings prior to beginning construction and making workers aware of potential hazards in the workplace. Ensure that all workers are provided with personal protective equipment appropriate for any hazardous materials used.

Obtain and keep on-site Safety Data Sheets (SDS) for all hazardous products used on the project, which may include, but are not limited to the following categories: paints, acids, solvents, asphalt products, chemical additives, fuels and concrete curing compounds or additives. Provide protected storage, off bareground and covered, for products which may be hazardous. Maintain product labelling as required by the Act. Pollutant housekeeping is also required in accordance with items listed in Section I of this EPIC sheet.

Maintain an adequate supply of on-site spill response materials, as indicated in the SDS. In the event of a spill, take actions to mitigate the spill as indicated in the MSDS, in accordance with safe work practices, and contact the District Spill Coordinator immediately. The Contractor shall be responsible for the proper containment and cleanup of all product spills.

Contact the Engineer if any of the following are detected:

- \* Dead or distressed vegetation (not identified as normal)
- \* Trash piles, drums, canister, barrels, etc.
- \* Undesirable smells or odors
- \* Evidence of leaching or seepage of substances

**The following list identifies non-asbestos/lead contamination or waste issues (location, contamination/waste type, if a soil and groundwater management plan applies, and any additional notes).**

In this section list any identified non-asbestos and non-lead contamination or waste issues (asbestos and lead will be addressed in the following sections). Include the location of the issues, the type of contamination or waste, if a soil and groundwater management plan applies, and any additional notes about the issue the Contractor needs to be aware of. These locations must also be called out in the PS&E.

Example:

“Fuel R Us - The Fuel R Us gas station located on the southeast intersection of US 123 and FM 456 is an LPST site. A soil and groundwater management plan (SGMP) has been developed. The Contractor will implement the activities specified in the SGMP.”

The following list identifies non-asbestos/lead contamination or waste issues (location, contamination/waste type, if a soil and groundwater management plan applies, and any additional notes)

- 1.
- 2.

### NOW MOVE TO THE NEXT SECTION TO COMPLETE DEMOLITION ACTIVITIES →

#### Demolition Activities – Does the project involve the demolition of any bridge class structure (not including buried culverts) for the purpose of replacement or permanent removal?

Select the appropriate option based on project conditions by putting an “X” in the correct box. If “No” is selected, no further action is required for demolition concerns. If “Yes” is selected, the Contractor is responsible for providing timely notification to the Department.

Demolition Activities - Does the project involve the demolition of any bridge class structure (not including buried culverts) for the purpose of replacement or permanent removal?

- No - no further action required for demolition activities
- Yes - the Contractor must provide the dates for demolition to the Engineer at least 30 days in advance, to allow the Department sufficient time to prepare and submit the pre-demolition notification to the DSHS at least 10 working days prior to the scheduled demolition.

### NOW MOVE TO THE NEXT SECTION TO COMPLETE ASBESTOS CONCERNS →

#### Asbestos Concerns

The Designer must put an “X” in the box of the appropriate statement from the “Asbestos Concerns” section.

**Option 1:** *The project does not involve any bridge rehabilitation or replacements. No further action required for asbestos concerns.*

**Option 2:** *The project involves bridge rehabilitation or replacements. The asbestos inspection results are negative. No abatement action is required.*

**Option 3:** *The project involves bridge rehabilitation or replacements. The asbestos inspection results are positive and asbestos abatement is required. The asbestos is located at the following (structure ID and station – and list those structure IDs or stations):*

Asbestos Concerns:

1.  The project does not involve any bridge rehabilitation or replacements. No further action required for bridge asbestos concerns.
2.  The project involves bridge rehabilitation or replacements. The asbestos inspection results are negative. No abatement action is required.
3.  The project involves bridge rehabilitation or replacements. The asbestos inspection results are positive and asbestos abatement is required.  
The asbestos is located at the following (structure ID and station):

Location 1.

Location 2.

Location 3.

## How to Complete the EPIC Sheet

**NOTE:** If Option 3 from above is selected, the Designer, then has additional follow-up statements to review. These statements will remain unchecked if Option 1 or 2 is selected.

The Designer must put an “X” in box of the appropriate statement from the given options.

**Option 1:** *The Department has retained a DSHS licensed asbestos abatement contractor under a separate contractor to perform the abatement, provide abatement notification to DSHS, and perform asbestos management activities. This work must occur prior to the Contractor commencing any work that might disturb asbestos.*

**Option 2:** *The Department has included the work to perform the abatement, provide abatement notification, and perform asbestos management activities in this contract under Item 6.10 and related Special Provision and Special Specification. This work must occur prior to the Contractor commencing any work that might disturb asbestos.*

For positive asbestos results, the following action will apply:

- The Department has retained a DSHS licensed asbestos abatement contractor under a separate contract to perform the abatement, provide DSHS abatement notification, and perform asbestos management activities. This work must occur prior to the Contractor commencing any work that might disturb asbestos.
- The Department has included the work to perform the abatement, provide DSHS abatement notification, and perform asbestos management activities in this contract under Item 6.10 and related Special Provision and Special Specification. The Contractor must perform abatement work prior to commencing any work that might disturb asbestos.

### NOW MOVE TO THE LAST SECTION FOR HAZARDOUS MATERIALS TO COMPLETE LEAD PAINT CONCERNS →

**Lead Paint Concerns – The project involves demolition or repair work that could require cutting, torch cutting, welding, or abrasive blasting of painted steel.**

Select the appropriate option based on project conditions by putting an “X” in the correct box.

**Option 1:** *No – no further action required for lead paint concerns*

**Option 2:** *Yes – the lead paint inspection results are negative. No action required for lead paint concerns.*

**Option 3:** *Yes – the lead paint inspection results are positive. Lead is located at the following locations and concentrations (list location, structure ID, and concentrations (ppm)):*

Lead Paint Concerns - The project involves demolition or repair work that could require cutting, torch cutting, welding, or abrasive blasting of steel, creating a high potential for worker lead fume inhalation.

1.  No - no further action required for lead paint concerns
2.  Yes - the lead is at the following locations and concentrations:

Location (station number/structure ID)	Concentration (ppm)
Location 1.	
Location 2.	

## How to Complete the EPIC Sheet

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**NOTE:** If Option 3 from above is selected, the Designer, then has additional follow-up statements to review. These statements will remain unchecked if Option 1 or 2 is selected.

The Designer must then put an “X” in box of the appropriate statement from the EPIC sheet.

**Option 1:** *The work is under Item 446 (Field Cleaning & Painting Steel), management of hazardous materials is addressed in the specification and additional mitigation is not required.*

**Option 2:** *The lead concentration of the coating is known to be less than 90 ppm (Consumer Product Safety Commission threshold for paint to be designated as lead-containing), additional mitigation is not required.*

**Option 3:** *Mitigation for lead hazards is required in accordance with OSHA. The Contractor must provide mitigation as part of this contract. Mitigation may include stripping back of paint from steel at cut points or other areas where paint will be disturbed. The Contractor may select other OSHA-compliant controls or work practices instead of paint stripping to mitigate lead hazards. Manage painted steel in accordance with Standard Specification Item 6.10, Painted Steel Requirements.*

**Option 4:** *Mitigation for lead hazards is required in accordance with OSHA. The Department will provide lead paint removal. The Contractor must notify the Engineer of locations where paint-disturbing activities will occur at least 90 days prior to the work, to allow sufficient time for the Department to remove the paint. Manage painted steel in accordance with Standard Specification Item 6.10, Painted Steel Requirements.*

For positive lead results, the following action will apply:

- The work is under Item 446 (Field Cleaning & Painting Steel), management of hazardous materials is addressed in the specification and additional mitigation is not required.
- The lead concentration of the coating is known to be less than 90 ppm (Consumer Product Safety Commission threshold for paint to be designated as lead-containing), additional mitigation is not required.
- Mitigation for lead hazards is required in accordance with OSHA. The Contractor must provide mitigation as part of this contract. Mitigation may include stripping back of paint from steel at cut points or other areas where paint will be disturbed. The Contractor may select other OSHA-compliant controls or work practices instead of paint stripping to mitigate lead hazards. Manage painted steel in accordance with Standard Specification Item 6.10, Painted Steel Requirements.
- Mitigation for lead hazards is required in accordance with OSHA. The Department will provide lead paint removal. The Contractor must notify the Engineer of locations where paint-disturbing activities will occur at least 90 days prior to the work, to allow sufficient time for the Department to remove the paint. Manage painted steel in accordance with Standard Specification Item 6.10, Painted Steel Requirements.

### **Section VII. Other Environmental Issues:**

This section of the EPIC Sheet addresses any other environmental issues that might require EPICs to the contractors. This may include noise resource requirements, air resource requirements, Edwards Aquifer Protection Program requirements, or others that do not fit into sections I-VI.

#### **How to complete:**

## How to Complete the EPIC Sheet

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Put an "X" in the "Additional Required Action" box if additional required actions apply to the Contractor, aside from the standard specifications and notes. List those additional requirements and include any directive to the Contractor on how to comply with those additional requirements.

### Example:

"The noise wall along the apartment complex (Best Life Living) and residential development (Cornerstone Community) on the west side of SH123 from Sta 123+00 to 123+50 must be constructed prior to beginning construction of the new lanes adjacent to those developments."

"Contractor must comply with the requirements of the Edwards Aquifer Protection Plan (EAPP). If sensitive features are encountered during construction the contractor will immediately cease work and notify the Engineer. The contractor must install BMPs as shown in the feature protection details and establish a 50 foot no work zone. The contractor cannot continue work in that area until the Department has obtained an approved feature closure plan approval from the TCEQ and is directed that work can resume."

"Contractor is responsible for air quality permits for concrete and asphalt batch plants."

### VII. OTHER ENVIRONMENTAL ISSUES

(includes program areas such as Air, Noise, Edwards Aquifer Protection Program, etc.)

Additional Required Actions:

- 1.
- 2.
- 3.

### Relevant Links and Resources

TxDOT Stormwater Program Page:

<https://www.txdot.gov/business/resources/environmental/stormwater.html>

TxDOT Environmental Compliance Toolkit:

<https://www.txdot.gov/business/resources/environmental/compliance-toolkits.html>

Design Division Roadway Standards Page:

<https://www.txdot.gov/insdtdot/orgchart/cmd/cserve/standard/rdwylse.htm>

### Acronyms List

APD – Advanced Planning and Development  
BMP – best management practice  
CCAM – Construction Contractor Administration Manual  
CGP – Construction General Permit  
DES – Design Division  
DSHS – Texas Department of State Health Services  
EMS – Environmental Management System  
ENV – Environmental Affairs Division  
EPICs – Environmental Permits, Issues, and Commitments  
MBTA – Migratory Bird Treaty Act  
MS4 – Municipal Separate Storm Sewer System  
NOI – Notice of Intent  
NOT – Notice of Termination  
NWP – Nationwide Permit  
OHWM – Ordinary High Water Mark  
OSHA – Occupational Safety and Health Administration  
PSE – Plans, Specifications, and Estimates  
PSL – Project Specific Location  
SDS – Safety Data Sheet  
SWP3 – Stormwater Pollution Prevention Plan  
TCEQ – Texas Commission on Environmental Quality  
TPDES – Texas Pollutant Discharge Elimination System  
TSS – Total Suspended Solids  
USACE – US Army Corps of Engineers  
USFWS – US Fish and Wildlife Service

## Document Revision History

The following table shows the revision history for this guidance document.

<b>Revision History</b>	
<b>Effective Date Month, Year</b>	<b>Reason for and Description of Change</b>
January 2025	Updates to Introduction and Sections I, II, III, IV, V, VI, and VII based on updates to the EPIC Sheet .dgn template. Additional updates included updating the links and acronym section.
November 21, 2011	This guidance was originally created as part of the Environmental Management System and approved by the Standing Committee on Environmental Management.